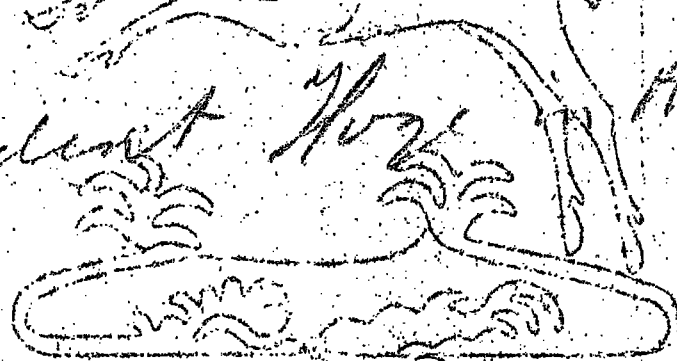


1)  
In Convention.  
Assembly Chamber, State Capitol.

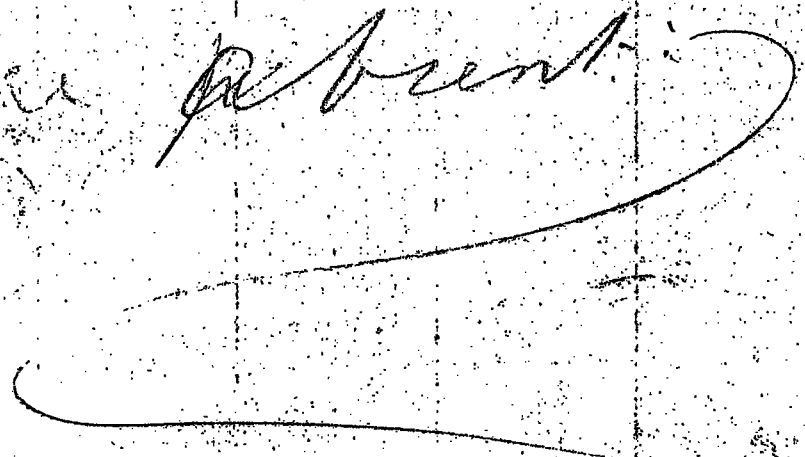
Sacramento.

Tuesday Dec. 24<sup>th</sup> 1878

Convention met pursuant  
to adjournment

President  in the Chair.

Roll called and the  
following members  
were present:



2)

A YES-----

NOES-----

3)

Leave of absence.

Leave of absence was granted to Messrs. Crum, Hall, Glover and Morse for two days, to Mrs. Beardslee for five days and indefinite leave to Messrs Lewis and Overton.

on motion of Mrs. Huestis the reading of the Journal was dispensed with and the same approved.

Proposed amendment:

By Mrs. Dudley of Solons

Concerning Revenue and Taxation.

Referred to the Committee of the whole and ordered printed

4)

Resolution.

By Mrs. Larkins.

D. C. HIGGINS

Resolved: That  
 When the Convention  
 adjourns this day  
 it be to meet on  
 Thursday Dec,  
 26<sup>th</sup> 1878 at  
 ten O'Clock P.M.

Larkin

6

Mr. McCallum offered the following substitute:-

Resolved, That when this convention shall adjourn today, it will adjourn to meet on Friday next at 2 O'clock P.M.

The substitute was rejected and the original resolution of Mr. Larkin adopted.

7)

Committee of the whole,  
on motion of Mrs. White the  
Convention resolves itself  
into Committee of the whole -  
President Hoge in the chair -  
to consider the ~~arts~~ following  
article reported by the  
Committee on future amend-  
ments:



8/

**Amendment.**

**No. 526.**

INTRODUCED BY COMMITTEE ON FUTURE AMENDMENTS.

DECEMBER 21<sup>ST</sup>, 1878.

READ, REFERRED TO COMMITTEE OF THE WHOLE, ORDERED PRINTED, AND  
PLACED ON GENERAL FILE.

**MODE OF AMENDING AND REVISING THE CONSTITUTION.**

**ARTICLE X.**

**SECTION 1.** Any amendment or amendments to this Constitution may  
2 be proposed in the Senate or Assembly, and if two-thirds of all the members  
3 elected to each of the two Houses shall vote in favor thereof, such proposed  
4 amendment or amendments shall be entered in their Journals, with the yeas  
5 and nays taken thereon; and it shall be the duty of said Legislature to sub-  
6 mit such proposed amendment or amendments to the people in such manner  
7 and at such time as may be deemed expedient. Such amendment or amend-  
8 ments shall be published in full in each county in the State wherein a news-  
9 paper is published for at least three months next preceding the election at  
10 which they are to be submitted. Should more than one amendment be sub-  
11 mitted at the same election, they shall be so prepared and distinguished, by  
12 numbers or otherwise, that they can be voted on separately. If the people  
13 shall approve and ratify such amendment or amendments, or any of them, by  
14 a majority of the electors qualified to vote for members of the Legislature



15 voting therefor, such amendment or amendments shall become a part of this  
16 Constitution.

SEC. 2. Whenever two-thirds of the members elected to each branch  
2 of the Legislature shall think it necessary to revise this Constitution, they  
3 shall recommend to the electors to vote at the next general election for or  
4 against a Convention for that purpose, and if a majority of the electors voting  
5 at said election, on the proposition for a Convention, shall vote in favor thereof,  
6 the Legislature shall, at its next session, provide by law for calling the same.  
7 Said Convention shall consist of a number of delegates not to exceed that of both  
8 branches of the Legislature, which shall be chosen in the same manner, and have  
9 the same qualifications, as members of the Legislature. The delegates so elected  
10 shall meet within three months after their election at such place as the Legisla-  
11 ture may direct. The Constitution that may be agreed upon by such Convention  
12 shall be submitted to the people at a special election to be provided for by law,  
13 for their ratification or rejection, in such manner as the Convention may  
14 determine. The returns of such election shall, in such manner as the Con-  
15 vention shall direct, be certified to the Executive of the State, who shall call  
16 to his assistance the Controller, Treasurer, and Secretary of State, and com-  
17 pare the returns so certified to him; and it shall be the duty of the Executive  
18 to declare, by his proclamation, such Constitution as may have been ratified  
19 by a majority of all the votes cast at such special election, to be the Constitu-  
20 tion of the State of California.

10)

at nine o'clock and fifty eight minutes A.M. the committee arose, reported the article back, recommending its adoption, and that it be placed on general file.

Mrs. Larkin moved that the Convention resolve itself into committee of the whole to consider the report of the Committee on Revenue and Taxation.

at ten o'clock A.M. the  
Mr. Gregg moved to adjourn  
Lost.

The motion of Mrs Larkin

11) prevailed and the con-  
vention resolved itself  
into committee of the whole  
President Hoge in the chair - to  
consider the following  
article on Revenue and  
Taxation:

CHICAGO, ILL.

12  
Amendment.

No. 510.

~~INTRODUCED BY THE COMMITTEE ON REVENUE AND TAXATION.~~

~~NOVEMBER 18TH, 1878.~~

~~NINE HUNDRED AND SIXTY COPIES ORDERED PRINTED.~~

REVENUE AND TAXATION.

ARTICLE —.

SECTION 1. All taxes shall be uniform upon the same class of sub-  
2 jects within the territorial limits of the authority levying the tax, and shall  
3 be levied and collected under general laws.

SEC. 2. All property, including franchises, capital stock of corpora-  
2 tions or joint-stock associations, and solvent debts, deducting therefrom debts  
3 due to bona fide residents of this State, and excluding growing crops, private  
4 property exempt from taxation under the laws of the United States, public  
5 property belonging to the United States, or to this State, or any municipality  
6 thereof, and all property and the proceeds thereof which is used exclusively

7 for charitable purposes, shall be taxed in proportion to its value, to be ascer-  
8 tained as directed by law.

SEC. 3. Land, and the improvements thereon, shall be separately  
2 assessed. Cultivated and uncultivated land, of the same quality and similarly  
3 situated, shall be assessed at the same value.

SEC. 4. Every tract of land containing within its boundaries more than  
2 one government section shall be assessed, for the purposes of taxation, by sections  
3 or fractional sections; and where the section lines have not been established  
4 by authority of the United States, the Assessor and County Surveyor shall  
5 establish the section lines, in conformity with the government system of sur-  
6 veys, as nearly as practicable. Each section or fractional section shall be valued  
7 and assessed separately; and for the purpose of subdividing and assessing, the  
8 Assessor and Surveyor, and their assistants, may enter upon any land within  
9 their respective counties.

UN  
1911  
1912

1913  
1914

14  
 1 ~~owner~~ SEC. 5. A mortgage, deed of trust, contract, or other obligation by  
 2 which a debt is secured, shall, for the purposes of assessment and taxation, be  
 3 deemed and treated as an interest in the property affected thereby. Except  
 4 as to railroad and other quasi public corporations, in case of debts so secured,  
 5 the value of the property affected by such mortgage, deed of trust, contract, or  
 6 obligation, less the value of such security, shall be assessed and taxed to the  
 7 owner of the property, and the value of such security shall be assessed and  
 8 taxed to the owner thereof, in the county in which the property affected thereby  
 9 is situate. The taxes so levied shall be a lien upon the property and security,  
 10 respectively, and may be paid by either party to such security; if paid by the  
 11 owner of the security, the tax so levied upon the property affected thereby shall  
 12 become a part of the debt so secured; if the owner of the property shall pay  
 13 the tax so levied on such security, it shall constitute a payment thereon, and  
 14 to the extent of such payment, a full discharge thereof.

SEC. 6. Every contract hereafter made, by which a debtor is obligated  
 2 to pay any tax or assessment on money loaned, or on any mortgage, deed of  
 3 trust, or other lien, shall, as to any interest specified therein, and as to such  
 4 tax or assessment, be null and void.

13  
SEC. 7. No corporation, except for benevolent, religious, scientific, or  
2 educational purposes, shall be hereafter formed under the laws of this State  
3 unless the persons named as corporators, shall at or before filing the articles  
4 of incorporation, pay into the State treasury one hundred dollars for the first  
5 fifty thousand dollars or less of capital stock, and a further sum of twenty  
6 dollars for every additional ten thousand dollars of such stock; and no such  
7 corporation shall hereafter increase its capital stock without first paying into  
8 the State treasury twenty dollars for every ten thousand dollars of increase.

SEC. 8. No license tax shall be imposed by this State, or any municipi-  
2 palty thereof, upon any trade, calling, occupation, or business, except the  
3 manufacture and sale of wine, spirituous and malt liquors, shows, theaters,  
4 menageries, sleight of hand performances, exhibitions for profit, and such  
5 other business and occupations of like character as the Legislature may judge  
6 the public peace or good order may require to be under special State or  
7 municipal control. But the Legislature may by law impose any license, or  
8 other tax, on persons or corporations owning or using franchises or corporate  
9 privileges.

Sec. 9. The Legislature shall provide for the levy and collection of  
2 an annual poll tax of not less than two dollars, for school purposes, on every  
3 male inhabitant of this State over twenty-one and under sixty years of age,  
4 except paupers, idiots, insane persons, and Indians not taxed. Said tax shall  
5 be paid into the State School Fund.

SEC. 10. The power of taxation shall never be surrendered or sus-  
2 pended by any grant or contract to which the State shall be a party.

SEC. 11. The Legislature shall provide by law for the payment of all  
2 taxes on real property by installments.

SEC. 12. The Legislature shall by law require each taxpayer in this  
2 State to make and deliver to the County Assessor, annually, a statement,  
3 under oath, setting forth specifically all the real and personal property owned



4 by such taxpayer, or in his possession, or under his control, at twelve o'clock  
5 meridian, on the first Monday of March.

SEC. 13. Assessors and Collectors of State, county, city and county,  
2 town, or district taxes, shall be elected by the qualified electors of the county,  
3 city and county, town, or district in which the property taxed for State, county,  
4 city and county, town, or district purposes, is situated; *provided*, that vacan-  
5 cies may be filled by appointment, according to general laws.

SEC. 14. The State tax on property, exclusive of such tax as may be  
2 necessary to pay the existing State debt, shall not exceed forty cents on each  
3 one hundred dollars for any one year.

SEC. 15. A State Board of Equalization, consisting of two members  
2 from each Congressional District in this State, shall be elected by the qualified  
3 electors of their respective districts, at the general election to be held on the  
4 year one thousand eight hundred and seventy-nine, and every four years

5 thereafter, whose duty it shall be to equalize the valuation of the taxable  
6 property in the State for purposes of State taxation. The Boards of Super-  
7 visors of the several counties in the State shall constitute Boards of Equali-  
8 zation for their respective counties, whose duty it shall be to equalize the  
9 valuation of the taxable property in the county for the purpose of county  
10 taxation.

SEC. 16. The State Board of Equalization shall assess the value of  
2 all the property of all railroad corporations in this State. For the purpose of  
3 taxation, the value of all lands, workshops, depots, and other buildings belong-  
4 ing to or under the control of each railroad corporation, shall be apportioned  
5 by said Board to the counties, cities and counties, cities, townships, and dis-  
6 tricts in which such lands, workshops, depots, and other buildings are situate;  
7 and the aggregate value of all other property of such railroad corporation  
8 shall be apportioned by said Board to each county, city and county, city,  
9 town, or district in which its road shall be located, according to the ratio  
10 which the number of miles of such road completed in such county, city and  
11 county, city, town, or district shall bear to the whole length of such railroad.

19  
SEC. 17. The value of the capital stock of a corporation shall be  
2 assessed in the county in which its principal place of business is located; and  
3 separately from all other property belonging thereto; and such stock shall be  
4 assessed at its market value when the assessment is made. The real and  
5 other personal property of such corporation shall be assessed in the several  
6 counties respectively in which the same is situate. The value of such stock,  
7 over and above the aggregate value of such real and other personal property,  
8 according to such assessment, shall be taxed in the county in which the prin-  
9 cipal place of business of such corporation is located; and the value of such  
10 real and other personal property shall be taxed in the several counties respect-  
11 ively in which the same is situate. The shares of stock belonging to the stock-  
12 holders in such corporation shall be exempt from taxation; *provided*, that the  
13 provisions of this section shall not apply to railroad corporations.

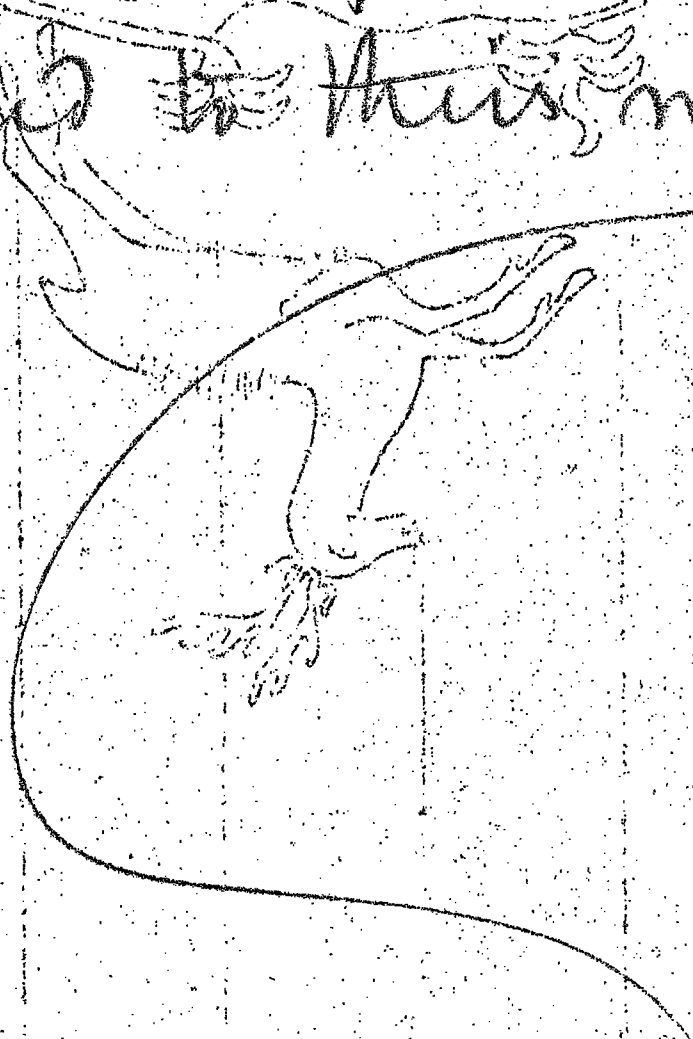
SEC. 18. The Legislature shall pass all laws necessary to carry out the  
2 provisions of this article.

Rev + Temp

20)

In convention.

At ten o'clock and eight minutes  
A.M. - ~~the~~ Re it appearing in the  
Committee of the whole, <sup>that there was</sup> ~~the~~ <sup>no</sup> ~~no~~  
President directed the Secretary  
to call the roll, when  
the following members  
answered to their names



Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes.	Noes.	NAMES.	Ayes.	Noes.	NAMES.	Ayes.	Noes.	NAMES.	Ayes.	Noes.
ANDREWS	1		FAWCETT			LARUE	9		SHAFTER		
AYERS	2		FILCHER			LAVIGNE			SHOEMAKER		
BARBOUR			FINNEY	9		LEWIS			SHURTLEFF	6	
BARNES			FREEMAN			LINDOW			SMITH		
BARRY	3		FREUD	20		MANSFIELD	40		<small>of Santa Clara.</small> SMITH	7	
BARTON	4		GARVEY			MARTIN			<small>of Fourth District.</small> SMITH	8	
BEERSTECHEER			GLASSCOCK	1		<small>of Alameda.</small> MARTIN			<small>of San Francisco.</small> SOULE	77	
BELCHER	5		GORMAN	2		<small>of Santa Cruz.</small> McCALLUM	1		STEDMAN		
BELL			GRACE			McCOMAS			STEELE	78	
BERRY			GRAVES			McCONNELL	2		STEVENSON	9	
BIGGS			GREGG	74		McCOY			STUART		
BLACKMER	6		HAGER			McFARLAND	79		SWEASEY	60	
BOGGS			HALE	75		McNUTT	3		SWENSON		
BOUCHER			HALL			MILLER	4		SWING		
BROWN	7		HARRISON			MILLS			TERRY		
BURT	8		HARVEY	3		MOFFAT	5		THOMPSON		
CAMPBELL			HEISKELL	4		MORELAND			TINNIN	1	
CAPLES	9		HEROLD			MORSE			TOWNSEND		
CASSERLY			HERRINGTON	5		MURPHY			TULLY		
CHAPMAN			HILBORN	6		NASON	6		TURNER	2	
CHARLES	10		HITCHCOCK			NELSON			TUTTLE	3	
CONDON			HOLMES	7		NEUNABER	7		VACQUEREL	4	
COWDEN			HOWARD	8		NOEL			VAN DYKE		
CROSS			<small>of Los Angeles.</small> HOWARD	9		O'DONNELL			VAN VOORHIES	5	
CROUCH			<small>of Mariposa and Merced.</small> HUESTIS	30		OHLEYER	8		WALKER		
DAVIS	1		HUGHEY	1		O'SULLIVAN			<small>of Marin.</small> WALKER	6	
DEAN	2		HUNTER	2		OVERTON			<small>of Tuolumne.</small> WATERS		
DOWLING			INMAN			PORTER	9		WEBSTER	7	
DOYLE	3		JOHNSON			PROUTY			WELLER	8	
DUDLEY			JONES	3		PULLIAM			WELLIN		
<small>of San Joaquin and Amador.</small> DUDLEY	4		JOYCE			REDDY	50		WEST	9	
<small>of Solano.</small> DUNLAP	5		KELLY	4		REED			WICKES		
EAGON	23		KENNY	5		REYNOLDS	1		WHITE	70	
EDGERTON	6		KEYS	76		RHODES	2		WILSON	1	
ESTEY			KLEINE	6		RINGGOLD			<small>of Tehama.</small> WILSON		
<small>of Contra Costa and Marin.</small> ESTEE	7		LAINE			ROLFE	3		<small>of First District.</small> WINANS		
<small>of First District.</small> EVEY	8		LAMPSON	7		SCHELL	4		WYATT	2	
FARRELL			LARKIN	8		SCHOMP	5		MR. PRESIDENT	72	

AYES.....  
NOES.....

There ~~appearing~~ being a  
quorum present the Convention  
again resumed consideration  
of the article on Revenue and  
Taxation in committee of  
the whole.

At ten o'clock and twelve  
minutes A. M. the committee  
arose, reported progress  
and asked leave to sit  
again.

In Convention

Report by leave.

By Mrs Herrington

V

Minority report of Com. on Education  
To the President and Gentlemen of the  
Convention

The undersigned-a minority of the Committee  
on Education herewith presents his report  
and asks that it be referred to Com. of the  
whole to be considered in connection the Report  
of the Majority as printed

Section 6 of the Majority Report in  
defining the System of Public Schools provides  
for-"Such Normal Schools High Schools Evening  
Schools and Technical Schools" as the Legislature  
may prescribe or as may be established by any  
municipality or School District of the State in  
addition to Primary and Grammar Schools  
but excludes from the system the State Normal  
School

The branch of the system called High Schools  
as now conducted which this Section perpet-  
uates is a ~~continued~~<sup>continued</sup> source of public dissatisfaction  
It permits instruction in all languages Ancient  
and Modern and prevents uniformity in the  
courses of instruction ~~supported~~ therein pursued  
It is not probable that any two  
~~the same~~ Districts in the State will require the  
same kind of Text Books

The qualifications required to teach in this  
branch of the system may differ greatly in  
the several Districts while heavy Special Taxes  
will be required of the Districts for the support



29. ✓  
of high salaries to Classical Educators for the benefit of a small proportion of the children of those districts without any general beneficial results

Objections equally valid may be urged against Technical Schools and the Multiplicity of Normal Schools which the Majority Report contemplates while the Exclusion of the "State Normal School" from the "System" is its practical abandonment and <sup>ultimate</sup> destruction

I therefore propose the following as a Modification of Section 6 as reported by the Majority and ask its adoption as a Substitute

Sec 6

The Public School System shall include Primary and Grammar Schools and such evening schools as may be established by ~~Municipal~~ by the Authority of any Municipality or School District of the State and all instruction therein shall be in English Language confined to the English Language All revenue derived from the State School Fund and State School Tax shall be applied exclusively to the support of Primary and Grammar Schools

~~Sec 23 1878~~

Dec 28<sup>th</sup> 1878 } Respectfully Submitted

D. W. Arrington  
of the Com. on Education

237

Report received and  
ordered to be considered  
with the majority report.  
Committee of the whole.

On Motion of Mrs Edgerton  
the Convention resolved  
itself into Committee of  
the whole - President Hoge  
in the Chair to consider  
the following article  
reported by the Committee  
on right of Suffrage

INTRODUCED BY COMMITTEE ON RIGHT OF SUFFRAGE.

NOVEMBER 13TH, 1878.

READ, AND ORDERED TO LAY ON TABLE UNTIL THE MINORITY REPORT OF  
THE COMMITTEE IS MADE.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, and every  
2 naturalized citizen thereof, who shall have become such ninety days prior to  
3 any election, of the age of twenty-one years, who shall have been a resident of  
4 the State one year next preceding the election, and of the election district in  
5 which he claims his vote ninety days, shall be entitled to vote at all elections  
6 which are now or may hereafter be authorized by law; *provided*, that no idiot,  
7 insane person, or person convicted of any infamous crime, shall be entitled to  
8 the privileges of an elector; *provided*, that the Legislature may by law remove  
9 in whole, or in part, the disabilities to exercise the elective franchise on  
10 account of sex.

SEC. 2. Electors shall in all cases, except treason, felony, or breach of  
2 the peace, be privileged from arrest on the days of election, during their  
3 attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day  
2 of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have  
2 gained or lost a residence by reason of his presence or absence while employed  
3 in the service of the United States, nor while engaged in the navigation of  
4 the waters of this State or of the United States, or of the high seas; nor while  
5 a student at any seminary of learning; nor while kept at any alms-house or  
6 other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot.

27  
At ten O'clock and  
fifty Minutes A.M. the  
Committee arose, reported  
progress, and asked leave  
to sit again.

### In Convention.

At ten O'clock and fifty  
Minutes A.M. Mrs. Edger  
moved to adjourn, which  
motion prevailed and  
the President declared  
the convention adjourn  
ed. We Thursday Dec.  
26<sup>th</sup> 1878 at two O'clock  
P.M. in accordance  
with resolution adopted this day

12/24/78

Dec. 24  
A

